

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 04-74744

ROSEANN ARINI,

Chapter 13

Debtor.

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Judge Thomas J. Tucker

**ORDER DENYING *IN PART* DEBTOR'S MOTION TO REOPEN CASE  
AND TO WAIVE FILING FEE FOR THE MOTION TO REOPEN (DOCKET # 71)**

This case is before the Court on a motion that the Debtor filed, entitled "Motion to Re-open Case to Accord Relief to the Debtor By Enforcement of the Discharge" (Docket # 71, the "Motion"). The Court construes the Motion as seeking, in part, a waiver of the filing fee for the motion to reopen the case. The fee-waiver request was not actually made in the Motion itself, but only in the proposed order that Debtor's counsel submitted on March 24, 2010.

On March 29, 2010, the Court sent the following e-mail message back to Debtor's counsel:

Judge Tucker has reviewed the proposed order and related pleadings and requests the following information from you:

You ask in this proposed order reopening the case for a waiver of the filing fee for the motion to reopen. Please file a supplement to your motion citing any authority that you think authorizes the Court to waive this filing fee. You cited no authority in your motion (and did not ask in the motion for waiver of the filing fee). In your Message that you sent when you submitted this order, you said this: "unopposed motion to reopen case, to accord relief to the debtor, no filing fee per 28 usc section 1930(11)"

There is no such statute (28 U.S.C. section 1930(11)). I am aware of Fed.R.Bankr.P. 4007(b), but that does not apply to this situation. What statute or rule gives me authority to waive the filing fee in this situation? Thanks.

To date, Debtor's attorney has not filed a supplement to the Motion. The Court

concludes that it both cannot and should not waive this filing fee.

Accordingly,

IT IS ORDERED that, to the extent the Motion (Docket # 71) seeks an Order waiving the filing fee for the Motion, it is DENIED.

IT IS FURTHER ORDERED that this Order does not resolve the Motion to the extent it seeks an order reopening the case. The Court will not consider that aspect of the Motion until the filing fee for the Motion has been paid.

**Signed on April 02, 2010**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**